

REMARKS/DISCUSSION:

This Amendment A is being filed within two months after the shortened statutory period for response that ended on May 9, 2005 (July 9, 2005 was a Saturday, and the time for response within the two months is extended until Monday, July 11, 2005). Accordingly, a Petition for a Two-Month Extension of Time is attached hereto.

By this Amendment A, claims 9-19 are pending in this application. Claims 1-8 have been canceled.

Amendment and/or cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1 and 3 stand rejected as being anticipated by U.S. Patent No. 6,048,341 to Hirakawa et al. as noted in the office action.

Claims 1 and 2 stand rejected as being anticipated by U.S. Patent No. 5,944,729 to Blake as noted in the office action.

Claims 1-5 stand rejected as being anticipated by U.S. Patent No. 4,257,406 to Schenk as noted in the office action.

Claims 1-5 have all been canceled. Claims 9-15 have been added, which substantially include the subject matter of former claims 1-5. Claims 9-15 recite in part, either directly or through dependency:

a first and a second lever arm, each having a distal end connected to the first and second jaw, respectively, and a proximal end, wherein the distal ends of the first and second lever arms interface in an overlapping manner and the lever arms form a substantially U-shape structure

Applicants respectfully submit that none of the cited references disclose or suggest the elements now claimed and request reconsideration of the rejections.

Rejection under 35 U.S.C. § 102(b) or 103

Claims 1, 2 and 4-8 stand rejected as being anticipated by or, in the alternative, as obvious over U.S. patent no. 6,149,642 to Gerhart et al. as noted in the office action.

Claims 4-6 stand rejected as being anticipated by or, in the alternative, as obvious over Blake '729 as noted in the office action.

Claims 1-8 have been canceled and replaced with claims 9-19. As noted above, each claim recites in part, either directly or through dependency:

a first and a second lever arm, each having a distal end connected to the first and second jaw, respectively, and a proximal end, wherein the distal ends of the first and second lever arms interface in an overlapping manner and the lever arms form a substantially U-shape structure

Applicants respectfully submit that Gerhart or Blake neither disclose nor suggest the elements now claimed and request reconsideration of the rejections.

Conclusion

Applicant submits that in view of the discussion, the rejections under 35 U.S.C. §§ 102(b) and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-5017NP/VEK.

Respectfully submitted,

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